

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 8:14CR387  
Plaintiff, )  
vs. ) ORDER  
ALEJANDRO CRUZ-HERNANDEZ, )  
Defendant. )

This matter is before the court on the motion to continue by defendant Alejandro Cruz-Hernandez (Cruz-Hernandez) (Filing No. 20). Cruz-Hernandez seeks a continuance of the trial scheduled for January 12, 2015. Cruz-Hernandez has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Cruz-Hernandez consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 21). Cruz-Hernandez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Cruz-Hernandez's motion to continue trial (Filing No. 20) is granted.

2. Trial of this matter is re-scheduled for **February 23, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 6, 2015, and February 23, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 6th day of January, 2015.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge